REMARKS

The Official Action mailed September 3, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 13, 2001, and March 7, 2002.

Claims 1-74 were pending in the present application prior to the above amendment. Claims 1, 12, 23, 36, 49 and 59 have been amended to better recite the features of the present invention, and new claims 75-80 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-80 are now pending in the present application, of which claims 1, 12, 23, 36, 49 and 59 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-4, 12-15, 23-28, 36-41, 49-51, 59-61 and 69-74 as obvious based on the combination of U.S. Patent No. 5,882,761 to Kawami et al. and U.S. Patent No. 2,578,324 to Southwick, Jr. Paragraph 3 of the Official Action rejects claims 5-11, 16-22, 29-35, 42-48, 52-58 and 62-68 as obvious based on the combination of Kawami, Southwick and Official Notice. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Kawami and Southwick do not teach or suggest that a drying agent comprises a porous body having a porosity of 20% or more, as recited in independent claims 12 and 59. Further, the Applicant has amended claims 1, 23, 36 and 49 to recite that a drying agent comprises a porous body having a porosity of 20% or more.

Kawami appears to teach a drying substance 8 which "comprises a solid compound, which chemically absorbs moisture and maintains its [solid] state even after absorbing moisture" (col. 4, lines 35-37). However, Kawami does not teach or suggest that the drying substance 8 comprises a porous body having a porosity of 20% or more.

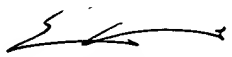
Southwick and Official Notice do not cure the deficiencies in Kawami. The Official Action relies on Southwick to allegedly teach "a drying pouch having a drying agent" (page 4, Paper No. 7), and on Official Notice to allegedly teach the use of OELE devices (page 5, Id.). Kawami, Southwick and Official Notice, either alone or in combination, do not teach or suggest that a drying agent comprises a porous body having a porosity of 20% or more.

Since Kawami, Southwick and Official Notice do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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